

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOHN HANCOCK LIFE INSURANCE	)	
COMPANY, JOHN HANCOCK	)	
VARIABLE LIFE INSURANCE	)	
COMPANY, and MANULIFE	)	
INSURANCE COMPANY (f/k/a	)	Civil Action No. 05-11150-DPW
INVESTORS PARTNER LIFE	)	
INSURANCE COMPANY),	)	
	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	
	)	
ABBOTT LABORATORIES,	)	
	)	
<i>Defendant.</i>	)	

**ABBOTT LABORATORIES' CONDITIONAL  
MOTION FOR CONTINUANCE OF HANCOCK'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT PURSUANT TO RULE 56(f)**

Defendant Abbott Laboratories ("Abbott") hereby moves, pursuant to Fed. R. Civ. P. 56(f), for an order continuing Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Life Insurance) (collectively, "Hancock's") Motion for Partial Summary Judgment.

In support of this motion, Abbott relies upon the accompanying Memorandum in Support of Its Conditional Motion for Continuance; Abbott's Consolidated Reply Memorandum in Support of Its Motion to Dismiss And Opposition Memorandum of Law to Hancock's Motion for Partial Summary Judgment; Abbott's Response to Hancock's Statement of Undisputed Facts; Affidavit of Eric J. Lorenzini; and Affidavit of Philip M. Deemer, which were all filed in conjunction herewith, as well as the exhibits attached to Abbott's Motion to Dismiss.

WHEREFORE, Abbott respectfully requests that this Court grant Abbott's Conditional Motion for Continuance of Hancock's Motion for Partial Summary Judgment, and grant such further relief as this Court deems just and appropriate.

**REQUEST FOR ORAL ARGUMENT**

Abbott respectfully requests the Court set a date for a hearing on Abbott's Conditional Motion for Continuance of Hancock's Motion for Partial Summary Judgment.

Dated: October 16, 2006

Respectfully submitted,

ABBOTT LABORATORIES

By: /s/ Michael S. D'Orsi  
Michael S. D'Orsi

One of its attorneys

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*Counsel for Abbott Laboratories*

**LOCAL RULE 7.1 CERTIFICATION**

The undersigned hereby certifies that counsel for Abbott Laboratories has conferred with counsel for Plaintiffs in a good faith effort to resolve or narrow the issues in this Motion.

\_\_\_\_\_  
/s/ Michael S. D'Orsi

Michael S. D'Orsi

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that the foregoing Defendant Abbott Laboratories' Conditional Motion for Continuance of Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Manulife Insurance Company's Motion for Summary Judgment Pursuant to Rule 56(f) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 16, 2006.

On this 16<sup>th</sup> day of October 2006.

\_\_\_\_\_  
/s/ Michael S. D'Orsi

Michael S. D'Orsi